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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

EENA SAESEE,
Plaintiff,
v.
KILOLO KIJAKAZI,
Acting Commissioner of Social Security,
Defendant.)
Case No.: 1:21-CV-01562-SKO
STIPULATION FOR AN EXTENSION OF
TIME; ORDER
(Doc. 13)

The parties stipulate through counsel that Defendant, the Acting Commissioner of Social Security (the “Commissioner”), shall have an extension of time to file her opposition to Plaintiff’s opening brief in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

2. Defendant's response to Plaintiff's opening brief is currently due Friday, July 8, 2022. Defendant has not previously requested an extension of time for this deadline.

1 3. The Region IX Office handles all district and circuit court litigation involving the
2 Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

3 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
4 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
5 Most of the attorneys who handle program litigation cases have additional responsibilities, such
6 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
7 work product of junior attorneys, conducting trainings, and participating in national workgroups.
8 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
9 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
10 assigned cases into their existing caseloads.

11 5. In addition to “program” litigation, the Region IX Office provides a full range of
12 legal services as counsel for the Social Security Administration, in a region that covers four
13 states (including the most populous state in the nation) and three territories. These other
14 workloads include employment litigation; civil rights investigations; bankruptcy matters; and
15 requests for legal advice on wide-ranging topics, including Regional office client requests for
16 advice on program issues, employee conduct and performance, reasonable accommodation,
17 hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high
18 volume of program litigation cases, the Region IX Office has had to focus its efforts on
19 processing only other workloads that are subject to statutory, regulatory, and court deadlines.

20 6. The undersigned attorney is still new to the agency and his work must be
21 reviewed by a more senior attorney prior to filing with the Court.

22 7. Due to the volume of the overall workload within the Region IX Office, neither
23 the undersigned attorney nor another attorney in the Region IX Office anticipate being able to
24 complete briefing by the current due date of Friday, July 8, 2022. Therefore, Defendant seeks an
25 extension of 47 days, until Wednesday, August 24, 2022, to respond to Plaintiff’s motion.

26 8. This request is made in good faith and is not intended to unduly delay the
27 proceedings.

9. On June 28, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has no opposition to this request for an extension of time.

WHEREFORE, Defendant requests until Wednesday, August 24, 2022, to file her opposition to Plaintiff's opening brief.

Respectfully submitted,

Dated: June 29, 2022

/s/ Lawrence D. Rohlfing*

LAWRENCE D. ROHLFING

Attorney for Plaintiff

*as authorized via e-mail on June 29, 2022

Dated: June 29, 2022

PHILLIP A. TALBERT

United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

Social Security Administration

/s/ *Bacilio Mendez II*

BACILIO MENDEZ II

Special Assistant Unit

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Attorneys for Defendant

ORDER

Based upon the foregoing stipulation of the parties (Doc. 13), and for good cause shown,
Fed. R. Civ. P. 16(b)(4),

IT IS HEREBY ORDERED that Defendant shall have an extension of time, to and including August 24, 2022, in which to file a response to Plaintiff's motion for summary judgment. All other deadlines set forth in the Scheduling Order (Doc. 9) shall be extended accordingly.

IT IS SO ORDERED.

Dated: June 30, 2022

/s/ Sheila K. Oberto

UNITED STATES MAGISTRATE JUDGE